

EXHIBIT D

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APPENDIX OF AUTHORITY IN SUPPORT OF DEFENDANTS' ARGUMENT THAT
IPPS' BOILERPLATE ALLEGATIONS FAIL TO ALLEGE A SUFFICIENT
INTRASTATE NEXUS AS THE CONSUMER PROTECTION LAWS OF FOUR
STATES REQUIRE

	State	Authority	WH Treatment
1.	California	<i>Meridian Project Sys., Inc. v. Hardin Constr. Co.</i> , 404 F. Supp. 2d 1214, 1225-26 (E.D. Cal. 2005) (dismissing claims where plaintiff failed to include allegations of “specific intrastate misconduct” or in-state injuries in the complaint).	Rejected argument. WH at 28.
2.	Montana	<i>In re Dynamic Random Access Memory Antitrust Litig.</i> (“ <i>In re DRAM I</i> ”), 516 F. Supp. 2d 1072, 1104 (N.D. Cal. 2007) (dismissing plaintiffs’ Montana consumer protection law claims where plaintiffs failed to allege “any conduct or activity taking place within [Montana] that sets forth a basis for connecting plaintiffs’ individual claims with representative claims under . . . Montana . . . statutes”).	Rejected argument. WH at 29.
3.	New York	<i>Goshen v. Mut. Life Ins. Co.</i> , 774 N.E.2d 1190, 1195 (N.Y. 2002) (stating that the statutory language of New York General Business Law § 349 “unambiguously evinces a legislative intent to address commercial misconduct occurring within New York,” and holding that, to be a prohibited act under the statute, “the transaction in which the consumer is deceived must occur in New York”); <i>Kaufman v. Sirius XM Radio, Inc.</i> , 474 F. App’x 5, 8-9 n.1 (2d Cir. 2012) (reaffirming <i>Goshen</i> ’s requirement that plaintiffs allege that “that they were deceived in New York” and dismissing claims of non-New York plaintiffs in reliance <i>not</i> on “the non-New York plaintiffs’ residency but on the lack of any plausible claim that they engaged in a transaction with [defendant] Sirius within New York”).	Not addressed. WH at 28.
4.	North Carolina	<i>In re Refrigerant Compressors Antitrust Litig.</i> , No. 2:09-md-02042, 2013 WL 1431756, at *18-19 (E.D. Mich. Apr. 9 2013) (“ <i>Compressors II</i> ”) (dismissing NCUDTPA claim because plaintiffs alleged no misconduct by defendants in North Carolina, and allegations that manufacturers and retail consumers paid inflated prices were insufficient to meet intrastate nexus requirement); <i>Duke Energy Int’l, L.L.C. v. Napoli</i> , 748 F. Supp. 2d 656, 677 (S.D. Tex. 2010) (dismissing plaintiffs’ claim because “[a] plaintiff who does not allege a substantial effect on in-state North Carolina	Not addressed. WH at 28.

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		operations fails to state a claim under the NC UTPA”); <i>Merck & Co. v. Lyon</i> , 941 F. Supp. 1443, 1463 (M.D.N.C. 1996) (dismissing NCUDTPA claim where “plaintiffs . . . failed to allege a substantial effect on any in-state business operations,” and “[a]ny injury plaintiffs may suffer in North Carolina will be incidental”); <i>The “In” Porters, S.A. v. Hanes Printables, Inc.</i> , 663 F. Supp. 494, 502 (M.D.N.C. 1987) (same).	